

EXHIBIT L

EXHIBIT E

PTA Template 269F1 - OCT16 - Re-open



IN THE COURT OF APPEAL, CIVIL DIVISION

REF: A3/2016/2264 A

JSC BTA BANK -v- ABLYAZOV & ANR



ORDER made by the Rt. Hon. Lady Justice Gloster

On consideration of an application to reopen an application or appeal, previously refused or dismissed

Decision: granted, refused, adjourned.

I order that:

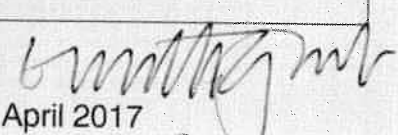
1. that the applicant (2nd defendant's) application for permission to re-open Longmore LJ's decision be granted; and
2. that the applicant's application for permission to appeal and (if permission is granted) the appeal be heard at a rolled-up hearing, with the appeal following straight after the application.

Reasons

1. It is necessary to re-open the appeal to avoid real injustice.
2. The possible liberty of the subject (Mr Khrapunov) is in issue.
3. Neither Phillips J nor Longmore LJ were aware when they made their respective decisions that there were extant criminal proceedings against Mr Khrapunov in Ukraine, and that, as a result of a request made by Ukraine on 10 May 2016, Mr Khrapunov was placed on Interpol's international wanted list.
4. Although the respondent Bank was aware of the criminal proceedings, it did not so inform Phillips J or Longmore LJ. Irrespective of whether the Bank's legal team were aware of the fact, that resulted in both courts being misled about the position. Given the nature and circumstances surrounding the application of Mr Khrapunov, that was unfair.
5. The absence of the fresh evidence may well have led to an erroneous result.
6. Permission to rely on the further evidence.



Note: Where the application is refused the decision of the judge is final and the application cannot be renewed to an oral hearing - see rule 52.30(7) and *Taylor v Lawrence* [2002] EWCA Civ 90

Signed: 
Date: 26 April 2017

By the Court

**DATED 26TH APRIL 2017
IN THE COURT OF APPEAL**

ILYAS KHRAPUNOV

- and -

JSC BTA BANK

- and -

MUKHTAR ABLYAZOV

ORDER

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Lower Court Ref: 2015-CL-000549